

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION
BUREAU; COMMONWEALTH OF
MASSACHUSETTS; THE PEOPLE OF
THE STATE OF NEW YORK, by LETITIA
JAMES, Attorney General of the State of New
York; and COMMONWEALTH OF
VIRGINIA, *EX REL.* MARK R. HERRING,
ATTORNEY GENERAL,

Case No. 5:21-cv-00016

Plaintiffs,

v.

NEXUS SERVICES, INC.; LIBRE BY NEXUS,
INC.; MICHEAL DONOVAN; RICHARD
MOORE, and EVAN AJIN,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION TO CONTINUE MAY 24, 2021
HEARING AND RULE 16 CONFERENCE**

Defendants Nexus Services, Inc., Libre by Nexus, Inc., Michael Donovan, Richard Moore, and Evan Ajin, file this Motion to Continue the Hearing currently scheduled for May 24, 2021, for good cause. The hearing is scheduled to cover Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction (ECF 18), Defendants' Motion to Stay (ECF 31), and the Rule 16 conference. In support of the continuance, Defendants state:

Defendants' counsel Mario B. Williams is scheduled to undergo a complicated surgery on June 4, 2021. The surgery will require approximately two weeks to one month of rehabilitation. Mr. Williams was informed by his doctors that the pre-operation appointment in advance of the surgery has been scheduled for May 24 and 25, 2021, rendering Mr. Williams

unable to participate in the May 24, 2021 hearing. Separately, Defendants' counsel John M. Shoreman has a family medical issue that is ongoing and which prevents his ability to participate in the hearing on Monday, May 24th.

Defendants have conferred with Plaintiffs, whose position is as follows: Plaintiffs do not object to the continuance, but request that the hearing be rescheduled as quickly as possible. Plaintiffs expect to serve discovery requests shortly, and as such, request that the Court issue a ruling on the Motion to Stay on the briefs without an oral hearing, pursuant to FRCP 78(b) and Local Rule 11(b). Plaintiffs are available at the Court's convenience to discuss any of these issues.

Defendants' counsel will work with counsel and the court to reschedule the hearing as soon as practicable.

CONCLUSION

For the reasons stated, Defendants request that the hearing scheduled for Monday, May 24, 2021 be continued to a further date chosen by the court, or agreed upon by all parties.

Respectfully submitted this 21st day of May 2021,

/s/ Mario B. Williams
Mario B. Williams (VSB # 91955)

NDH LLC

44 Broad Street, NW, Suite 200
Atlanta, Georgia 30303
404-254-0442 / 404-935-9391 FAX
mwilliams@ndh-law.com

/s/ John M. Shoreman
John M. Shoreman (*Pro Hac Vice*)

MCFADDEN & SHOREMAN, LLC

1050 Connecticut Avenue, Suite 500
Washington, DC 20036

Tel: (202) 772-3188
jmshoreman@verizon.net

CERTIFICATE OF SERVICE

I hereby certify that, on this 21st day of May 2021, I have served a true and correct copy of the foregoing **DEFENDANTS' MOTION TO CONTINUE HEARING AND RULE 16 CONFERENCE** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record, including:

<p><i>Attorneys for the Consumer Financial Protection Bureau</i></p> <p>Hai Binh T. Nguyen Donald R. Gordon Kara K. Miller Email: haibinh.nguyen@cfpb.gov Email: donald.gordon@cfpb.gov Email: kara.miller@cfpb.gov</p>	<p><i>Attorneys for the Commonwealth of Virginia, ex rel. Mark R. Herring, Attorney General</i></p> <p>David B. Irvin Erin E. Witte Stephen J. Sovinsky Erin Boyd Ashwell Mark R. Herring Samuel Towell Email: dirvin@oag.state.va.us Email: ewitte@oag.state.va.us Email: ssovinsky@oag.state.va.us Email: eashwell@woodsrogers.com Email: mherring@oag.state.va.us Email: stowell@oag.state.va.us</p>
<p><i>Attorneys for the Commonwealth of Massachusetts</i></p> <p>Jonathan T. Burke Email: Jonathan.burke@mass.gov</p>	<p><i>Attorneys for the People of the State of New York</i></p> <p>Joseph P. Mueller Stewart Dearing Laura Levine Jane Azia Email: Joseph.Mueller@ag.ny.gov Email: Stewart.Dearing@ag.ny.gov Email: Laura.Levine@ag.ny.gov Email: Jane.Azia@ag.ny.gov</p>

/s/ Mario B. Williams
Mario B. Williams (VSB #91955)